

FACT SHEET

Disability Services Amendment Bill 2019

- The Disability Services Amendment Bill 2019 (the Bill) includes amendments to the *Disability Services Act 2011* (DSA).
- The DSA provides the framework for funding of service providers, researchers and individuals with disability, and for the approval and conduct of restrictive practices. It specifically relates to specialist disability services either funded or provided by the Tasmanian Government and continues to apply to providers during transition to the National Disability Insurance Scheme (NDIS).
- The DSA is supported by the *Disability Services Regulations 2015* which are aligned with the *National Standards for Disability Services*.
- A review of the operations of the DSA was undertaken in 2017-2018. The review was a requirement of the DSA. Due to the transition to the NDIS, the review was intentionally small in scale and considered:
 - the operational effectiveness of the DSA since implementation;
 - interoperability of the DSA with other legislation;
 - issues with the DSA which have arisen as a result of transition to the NDIS.
- A full-scale review and rewrite of the DSA will occur in the future when Tasmania has fully transitioned to the NDIS.
- The Tasmanian Government has accepted the recommendations from the review and has proceeded to act on all. Several recommendations are the subject of the Bill. Some recommendations have been accepted but will need to be deferred until a further review of the DSA is undertaken; this will occur once the NDIS operational landscape is more clearly defined. Some recommendations will be actioned at a policy level by the Department of Communities Tasmania.
- The amendments in the Disability Services Amendment Bill 2019:
 - better align the Principles in the Act with the Principles in the *National Disability Insurance Scheme Act 2013* (NDIS Act) and with the United Nations Convention on the Rights of Persons with Disabilities;
 - include Principles relating to the rights of children with disability;
 - introduce provisions for interim authorisation of restrictive interventions;
 - improve information sharing provisions to ensure alignment with the NDIS Act so that transition of clients to the NDIS can be effectively managed;
 - remove references in the Act to the purchase of strategic and operational plans as these can be downloaded from the Department of Communities Tasmania website free of charge;

- modify subsection 28(3) of the Act relating to the functions of Authorised Officers to clarify that a person with a disability has the right to have another person present when interviewed under Section 28(2) of the Act; and
- update references to the *Mental Health Act 1996* to refer to the *Mental Health Act 2013*, where relevant, and include references to the Chief Civil Psychiatrist in addition to the Chief Forensic Psychiatrist.